

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

2018 MAR -7 PM 12:38

DEPUTY CLERK. 

SHERIDON SHELBY

Plaintiff

**318-CV0582-B**

v.

Civil Action No.

Kwik Kar | Guide Star

Defendant

COMPLAINT

CIVIL RIGHTS violations, CIVIL RIGHTS act of 1964, in that my last employer fired me based on my race, i was the only Afro American working there i was fired supposedly for not having a D.L. when i protested that 2 other self professed Illegal immigrant did not have D.L., the owner minera sasa responded yes they did, i seen there D.L.. i said to my self How could self professed Illegal immigrants have D.L. Issued By the State of Texas, that combined with The racist comments made by the LUBE manager Ramiro TORRES over a period of 11 mos after repeated warnings and my going to the general manager left Wiggins they persisted in exercising tactics to get me fired

\* Attach additional pages as needed.

Date

Signature



Print Name

Sheridan Shelby

Address

3516 Elsie Faye Heggins

City, State, Zip

Dallas, TX 75210

Telephone

682-551-0687

a company truck was ~~there~~, i exchange the differential fluid, The communication was always a problem, Mr Torres always insisted that ~~if~~ If he had a all Spanish crew, he would be more successful, he would intentionally ~~so~~ give work instructions in Spanish, i complained to him & the german to no avail/or correction, on this date (Dec) i was called to do another oil change ~~and~~ while waiting on what differential fluid to put in said vehicle, when i returned to said vehicle ~~it~~ it was gone, I told mister Torres that the differential plug was out of the vehicle and to recall the TRUCK, his response don't worry about it, i thought he would take care of it, i returned to work, 2 days later the vehicle returned with the differential damaged And i was charged with the repair, I've been a Lube pit tech for 9 yrs, I've never experience the comebacks i received at this location i could not understand why i was making all these mistakes, then i listen to Mr Torres, Attempting the same procedure to

Another time I stopped it  
Before it left, @ he was telling the @  
other workers who were all Spanish, in  
Spanish to move cars, which is a language  
I ~~don't~~ do not fluently understand,

I again~~x~~ complained to the G.M. Jeff  
Wiggins, he replied to me "no that's not it,  
your being incompetent in your performance, I explained  
to him I've been doing this 9 yrs, I've never  
caused any damages to any vehicles, After  
this I lost confidence in Mr. Wiggins, The  
then owner R. Krupala was never interested  
in talking to me, he made negative statements  
about me early in my employment Here  
about me being a drunk, when I confronted  
him in a meeting that I let him know I  
was recording, he retracted his statements  
and apologized to me in front of  
Mr. Wiggins and Mr. Torres after which, Our  
relationship soured to almost non existence  
Mr. Torres was self professed to me that  
he was a illegal immigrant, During the  
elections of 2016 Mr. Torres would constantly ask  
me who was I voting for, when I explained to  
him that I did not have to reveal that info he  
would become upset / even hostile He would ask  
me to vote for H. Clinton at first I thought

he ~~was~~ ~~saying~~ then ~~he~~ ~~used~~ he was serious  
I felt very offended, me and Mr. Torres  
relationship grew more & more negative, However  
I continued to show up ~~for~~ for work and  
attempted to do my job, on or about May 2017  
I was informed that my job was being changed  
with no prior notice, the person I was being  
changed with was Javier I didn't know his  
last name, during a meeting with the new  
owners Javier professed in so many words that  
he himself was a Illegal Immigrant, who did  
not have a D.L. issued by the State of Texas  
I protested the change, my license was expired  
I could not drive vehicles, the new position  
required you drive vehicles, I did not have  
the money to pay the traffic tickets to  
get my D.L. that amounted to all most \$4,000  
~~then~~ I worked out arrangement with the  
courts to pay or work it off the amount  
shrunk to \$90<sup>00</sup> when I informed the  
new owners of this, they fired me on the  
spot for not having a D.L. which is a  
reason I do not believe. I believe I was  
fired because of my Race. Because of  
my complaining ~~about~~ about the environment I was  
working under.

**NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)**

To: **Sheridon A. Shelby**  
**3516 Elsie Faye Heggins**  
**Dallas, TX 75210**

From: **Dallas District Office**  
**207 S. Houston St.**  
**3rd Floor**  
**Dallas, TX 75202**

☐ On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
<b>450-2018-02413</b>	<b>Angel M. Padilla,</b> <b>Investigator</b>	<b>(214) 253-2884</b>

(See also the additional information enclosed with this form.)

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☒ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

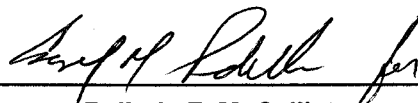
**Age Discrimination in Employment Act (ADEA):** You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

**Equal Pay Act (EPA):** You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
\_\_\_\_\_  
**Belinda F. McCallister,**  
**District Director**

**2/15/2018**  
\_\_\_\_\_  
(Date Mailed)

Enclosures(s)

CC: **Ray Saja, Owner**  
**KWIK KAR/GUIDE STAR**  
**5020 Lemmon Ave**  
**Dallas, TX 75209**

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***

Reconsideration Request  
submit request to

District Director Belinda  
McCallister at 214-253-2780  
or mail. 214-253-2720

advise reason for reconsideration  
is for date correction

211-253-2780  
214-253-2720 ext



**U. S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**


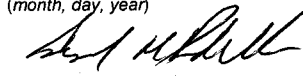

**Juan F. Munoz**

Supervisory EO Investigator  
Dallas District Office

207 S. Houston St.  
3rd Floor  
Dallas, TX 75202

Telephone: (214) 253-2774  
FAX: (214) 253-2720  
E: [juan.munoz@eeoc.gov](mailto:juan.munoz@eeoc.gov)

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA  <input checked="" type="checkbox"/> EEOC         </div> <div style="text-align: right;"> <b>450-2018-02413</b> </div> </div>	
<b>Texas Workforce Commission Civil Rights Division</b> and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) <b>Sheridon A. Shelby</b>		Home Phone (Incl. Area Code) <b>(682) 551-0687</b>	Date of Birth <b>1964</b>
Street Address City, State and ZIP Code <b>3516 Elsie Faye Heggins, Dallas, TX 75210</b>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>KWIK KAR</b>		No. Employees, Members <b>15 - 100</b>	Phone No. (Include Area Code) <b>(214) 615-7372</b>
Street Address City, State and ZIP Code <b>5020 Lemmon Ave, Dallas, TX 75209</b>			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest <b>01-31-2017 09-08-2017</b>  <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p><b>1. Personal Harm- I was hired by KWIK KAR as a Pit man, which required no driving. My employer changed my position against my will to hood tech. I notified in a letter that I did not agree with the change. On or about September 1, 2017, I complained about my immediate Manager who chose to speak only Spanish while giving work instructions knowing that I did not speak Spanish. I also complained about the racist remarks made by my Manager such as but not limited, "Black are lazy, don't like to work, and I wish I had all Hispanic workers." I was wrongfully charge for a car repair, when I informed the Manager to bring the car back because I had the plug to the differential. On December 2016, I was blamed for the damage to the car and charge for the repair. I am a veteran and Management chose to keep illegal immigrants and terminate my employment on September 8, 2018</b></p> <p><b>2. Reason given for adverse action- I was told that I was being terminated for not having a driver's license. In the position, I was initially hired there was no requirement to drive, neither did my last position.</b></p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)  2/15/2018	
Feb 15, 2018 Date		 Charging Party Signature	



EEOC Form 5 (11/09)

<p align="center"><b>CHARGE OF DISCRIMINATION</b></p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented To:      Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC      <b>450-2018-02413</b></p>
<p align="center"><b>Texas Workforce Commission Civil Rights Division</b>      and EEOC</p> <p align="center"><small>State or local Agency, if any</small></p>	
<p><b>3. I believe that I have been discriminated against because of my race (African-American), in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe that I have been retaliated against in that I complained about the racist comments, in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended.</b></p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p>
<p><b>Feb 15, 2018</b></p> <p><i>SLDGA</i></p> <p><small>Date      Charging Party Signature</small></p>	<p>SIGNATURE OF COMPLAINANT</p> <p><i>[Signature]</i></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p><small>(month, day, year)</small></p> <p><i>[Signature]</i> <b>2/15/2018</b></p>

CP Enclosure with EEOC Form 5 (11/09)

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.